

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Gary Youssef,

Case No. 3:23-cv-462

Plaintiff

v.

ORDER OF REMAND

Andrea Rose,

Defendant

Gary Youssef, acting *pro se*, filed a Notice of Removal in this action on March 8, 2023, seeking to remove “Superior Court of California San Diego Child Custody Case Number D558840” to this Court. (Doc. No. 1 at 1.)

I am remanding the action.

Under 28 U.S.C. §1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by defendant . . . to the district court of the United States for the district and division embracing the place where such action is pending.” District courts have original jurisdiction over civil actions that arise under federal law, or that involve parties of diverse citizenship where the amount in controversy exceeds \$75,000. *See* 28 U.S.C. §§1331 and 1332. If at any time it appears that the district court lacks subject matter jurisdiction, the court is required to remand the case to state court. 28 U.S.C. §1447(c); *Anusbigian v. Trugreen/Chemlawn, Inc.*, 72 F.3d 1253, 1254 (6th Cir.1996). The party seeking removal bears the burden of demonstrating that the district court has original jurisdiction, and the removal statute “should be strictly construed and all doubts resolved in favor of remand.” *Eastman v. Marine Mech. Corp.*, 438 F.3d 544, 550 (6th Cir. 2006) (quoting *Brown v. Francis*, 75 F.3d 860, 864–65 (3d Cir. 1996)).

No basis for federal subject matter appears on the face of the Notice of Removal.

Removal to this Court is improper because federal courts have no jurisdiction over state child custody matters. *Ankenbrandt v. Richards*, 504 U.S. 689, 704 (1992); *Hughes v. Hamann*, 23 F. App'x 337, 338 (6th Cir. 2001) (“Federal courts lack jurisdiction to issue child custody decrees”) (citation omitted). Further, this Court is not the “district court of the United States for the district and division embracing the place where” the action sought to be removed is pending. 28 U.S.C. §1441(a).

Accordingly, this action is hereby remanded to the California Superior Court for lack of jurisdiction pursuant to 28 U.S.C. § 1447(c).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge